

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE CHARLES ROSE #235893,

Plaintiff,

Case No. 1:22-cv-891

v.

HONORABLE PAUL L. MALONEY

SHAUNA COPE, et al.,

Defendants.

/

ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on January 12, 2024, recommending that this Court grant the motion in part and deny the motion in part. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 42) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 24) is GRANTED IN PART AND DENIED PART.

IT IS FURTHER ORDERED that Plaintiff's retaliatory misconduct claim and any claim arising out of the 0431 Grievance is DISMISSED as time barred; Plaintiff's retaliatory transfer claim for lack of exhaustion/failure to state a claim is DISMISSED; Plaintiff's claims against Defendant Morrison are DISMISSED without prejudice for lack of exhaustion; and the remainder

of Defendant's motion is DENIED with respect to all of Plaintiff's claims against Defendants Cope and Houtz that were exhausted in the 0471, 0552, and 0553 Grievances.

Dated: February 16, 2024

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge